

## **REMARKS**

The Preliminary Amendment filed May 15, 2001, met the requirements of 37 C.F.R. §§ 1.821-1.825 including submission of:

- 1) a computer readable form (CRF) copy of the "sequence listing"
- 2) a paper copy of the "sequence listing" together with an amendment directing its entry into the specification and claims
- 3) a statement that the content of the paper and computer readable copies are the same and include no new matter.

The claim amendments in this paper were to the original claims as filed. In a telephone conversation with Examiner Bui about the Office Action mailed June 4, 2001, Applicants' attorney ascertained that the only set of claims included with the case as filed were the "annex" claims on pages 39 to 42 inclusive. The original claims, pages 33 to 35, were not included.

The Preliminary Amendment of May 15, 2001, attempted to cancel the "annex" claims and tried to amend the original claims on pages 33, 34 and 35. Since the original claims were not in the case it appears that the attempted claim amendment was ineffective, did not comply with 37 C.F.R. 1.121 and accordingly was not entered. Accordingly, the request in the amendment of May 15, 2001, to cancel the "annex" claims should be deleted. While the amendment to the claims was not entered, it is believed that the amendment to the specification was effective.

The instant Amendment to the "annex" claims has been made to enter the required sequence information and to remove the multiple dependency with respect to the "annex" claims.

In view of the above, the amended "annex" claims have been included with this amendment.

In addition, a marked-up version of the changes made to the "annex" claims by the current amendment is attached. The attachment is captioned "Version With Markings To Show Changes Made".

Also attached hereto is a clean version of the entire set of pending "annex" claims. The attachments are captioned "Clean Version Of The Entire Set Of Pending Claims".

In view of the foregoing amendments, early favorable action is solicited.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Please amend the "annex" claims (pages 39 to 42 inclusive) as follows:

2. (amended) Polypeptides having antifreeze activity comprising one or more fragments (A-E) of the amino acid sequence as follows:

SEQ ID NOS. 1-5, respectively, in order of appearance

(F) LEU-PRO-ASN-LEU-PHE-GLY-LYS

(G) ILE-PRO-GLU-GLU-ILE-SER-ALA-LEU-LYS

(H) LEU-THR-ASP-LEU-SER-PHE-ASN-LYS

(I) SER-LEU-ARG-LEU-SER-SER-THR-SER-LEU-SER-GLY-PRO-VAL-PRO-LEU-PHE-PHE-PRO-GLN-LEU-X-LYS

(J) X-X-GLY-VAL-ILE-PRO-X-GLN-LEU-SER-THR-LEU-PRO-ASN-LEU-LYS

and isoforms or derivatives thereof which still possess antifreeze activity.

4. (amended) Polypeptides having antifreeze activity having an amino acid sequence as represented in Listing 1 SEQ ID NO. 7 and isoforms and derivatives thereof which still possess antifreeze activity.
5. (amended) An isolated nucleic acid sequence encoding the antifreeze polypeptide of one or more of claims 1-4 claim 2 and alleles thereof encoding polypeptides which still possess antifreeze activity.